

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
162-36 (COR)	Sabina Flores Perez	AN ACT TO AMEND § 46116 OF CHAPTER 46, § 49107(f) OF CHAPTER 49, § 50119 OF CHAPTER 50, § 51204 OF CHAPTER 51, ALL OF TITLE 10, GUAM CODE ANNOTATED, AND TO AMEND § 10019(g) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO PROGRAM FUNDS MAINTAINED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY.	7/12/21 10:10 a.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 162-36 (COR)

Introduced by:

Sabina Flores Perez /SFP

AN ACT TO *AMEND* § 46116 OF CHAPTER 46, § 49107(f) OF CHAPTER 49, § 50119 OF CHAPTER 50, § 51204 OF CHAPTER 51, ALL OF TITLE 10, GUAM CODE ANNOTATED, AND TO *AMEND* § 10019(g) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO PROGRAM FUNDS MAINTAINED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. *I Liheslaturan Guåhan* finds that the Guam Environmental Protection Agency (“GEPA”) manages programs that are vital to maintaining a high quality environment to guarantee an enjoyable life for all people at present and in the future, and to preventing the environmental degradation of the quality of land, water and air by any pollutants, including all physical, chemical, and biological agents.

I Liheslaturan Guåhan also finds that the programs managed by GEPA rely heavily upon grant funds received from the United States Environmental Protection Agency (“USEPA”). USEPA imposes conditions attached to the grant funding that require GEPA to acquire and maintain control over the funds generated from the programs that GEPA manages.

I Liheslaturan Guåhan further finds that GEPA cannot continue to rely indefinitely upon grant funds received from USEPA. To end the dependency on

1 USEPA, GEPA must be able to rely on the funds it generates to sustain its own
2 operations.

3 It is the intent of *I Liheslaturan Guåhan* to comply with the conditions of the
4 grant funds received by GEPA from USEPA and to enable GEPA to fully carry out
5 its statutory purpose by ensuring that GEPA acquires and retains control over the
6 funds generated from GEPA programs.

7 **Section 2.** § 46116 of Chapter 46, Title 10, Guam Code Annotated is hereby
8 *amended* to read:

9 **“§ 46116. Water Research and Development Fund.**

10 There is ~~hereby created~~ established within the government of Guam a
11 special non-lapsing, revolving fund, to be known as the “Water Research and
12 Development Fund” (the “Fund”), which shall be maintained separate and
13 apart from any other funds of the government of Guam and are not subject to
14 the transfer authority of *I Maga'hagan Guåhan*, and shall be administered by
15 the Administrator of the Guam Environmental Protection Agency.
16 Independent records and accounts shall be maintained in connection
17 therewith. All monies in the Fund are hereby appropriated to the Guam
18 Environmental Protection Agency (GEPA) to be expended in accordance with
19 this Chapter. The Fund shall be available to fund the administration and
20 implementation of this Chapter and the conduct of water resource research
21 which will contribute (i) to the effective planning and management of Guam’s
22 underground and surface water, and (ii) to the development of programs
23 which promote the best use of these resources. ~~No monies may be withdrawn~~
24 from the Fund except upon specific statutory appropriation by the Legislature.
25 ~~The Fund shall be administered by a committee, to be known as the Water~~
26 ~~Research and Development Fund Committee, comprised of four (4) members,~~
27 ~~including a representative of the University of Guam Water & Energy~~
28 ~~Research Institute, the Guam Environmental Protection Agency (“GEPA”),~~

1 ~~the Public Utility Agency of Guam (“PUAG”), and a business representative~~
2 ~~who shall be appointed by the Governor. The Chairman of the Water Research~~
3 ~~and Development Fund Committee shall be elected by its members who shall~~
4 ~~meet at a minimum, quarterly, to execute the provisions of this § 46116. The~~
5 ~~procurement of services and resources by the Water Research and~~
6 ~~Development Fund Committee shall be subject to the procurement procedures~~
7 ~~set out in Chapter 5, Title 5, Guam Code Annotated. The Water Research and~~
8 ~~Development Fund Committee shall report to the Legislature, annually, as to~~
9 ~~the status of the Fund.”~~

10 **Section 3.** § 49107(f) of Chapter 49, Title 10, Guam Code Annotated is
11 hereby *amended* to read:

12 “(f) Air Pollution Control Special Fund. There is established a non-lapsing,
13 revolving fund to be known as the, “Air Pollution Control Special Fund,” which
14 shall be maintained separate and apart from any other funds of the government of
15 Guam and are not subject to the transfer authority of *I Maga'hagan Guåhan*, and
16 shall be administered by the Administrator. Independent records and accounts shall
17 be maintained in connection with the Fund. All permit application fees, annual
18 emission fees, fines, penalties, and other funds collected or received pursuant to this
19 Chapter shall be deposited in the Air Pollution Control Special Fund, and used only
20 for the costs of administration and implementation of this Chapter; for providing
21 staff and resources to assist permit applicants with the application process; review
22 and act upon permit applications; write permits; implement and enforce permit
23 conditions, including legal support; prepare guidance and rules; prepare emission
24 inventories; monitor air quality; inspect facilities to ensure compliance and offer
25 assistance with pollution prevention alternatives; provide technical assistance to
26 permittees; administer the Fund; and any other duties needed to administer this
27 Chapter. All monies in the Air Pollution Control Special Fund are hereby

1 appropriated to the Guam Environmental Protection Agency (GEPA) to be expended
2 in accordance with this Chapter.”

3 **Section 4.** § 50119 of Chapter 50, Title 10, Guam Code Annotated is hereby
4 *amended* to read:

5 **“§ 50119. Pesticide Management Fund.**

6 There is established a non-lapsing, revolving fund, hereafter referred to
7 as the “Pesticide Management Fund”, which shall be maintained separate and
8 apart from any other funds of the government of Guam and are not subject to
9 the transfer authority of *I Maga'hagan Guåhan*, and shall be administered by
10 the Administrator of the Guam Environmental Protection Agency.
11 Independent records and accounts shall be maintained in connection
12 therewith. All fees, reimbursements, assessments, fines, bail forfeitures, and
13 other funds collected or received pursuant to this Chapter shall be deposited
14 in this Fund and used for the administration and implementation of this
15 Chapter including, but not limited to, purchase of equipment, payment of
16 personnel costs, public outreach, training, contracts, and disposal of
17 confiscated pesticides and devices. All monies in the Pesticide Management
18 Fund are hereby appropriated to the Guam Environmental Protection Agency
19 (GEPA) to be expended in accordance with this Chapter.”

20 **Section 5.** § 51204 of Chapter 51, Title 10, Guam Code Annotated is hereby
21 *amended* to read:

22 **“§ 51204. Litter Control Revolving Fund.**

23 There is established a non-lapsing, revolving fund to be known as the
24 Litter Control Revolving Fund which shall be maintained separate and apart
25 from any other fund of the Government of Guam and are not subject to the
26 transfer authority of *I Maga'hagan Guåhan*, and shall be administered by the
27 Administrator. Independent records and accounts shall be maintained in
28 connection therewith. Except as provided in § 40115 of Title 5, Guam Code

1 Annotated, 50 percent (50%) of all assessments, fines, bail forfeitures and
2 other funds collected or received pursuant to this Article shall be deposited in
3 the Litter Control Revolving Fund and used for the administration and
4 implementation of this Article; for education programs and advertisement
5 promotions aimed at increasing awareness of litter and defacement problems;
6 for the placement of anti-litter and anti-graffiti signs around the island; and
7 for the cleanup of litter and defacement from public highways, streets, alleys,
8 roads, bridges, buildings, signs, restrooms, public recreational areas or other
9 public lands that are most visible to the public, and 50 percent (50%) shall be
10 deposited in the Guam Beautification Fund as provided in 21 GCA § 7 7114.1.
11 All monies in the Litter Control Revolving Fund are hereby appropriated to
12 the Guam Environmental Protection Agency (GEPA) to be expended in
13 accordance with this Chapter.”

14 **Section 6.** § 10109(g) of Chapter 10, Division 2, Title 22, Guam
15 Administrative Rules and Regulations is hereby *amended* to read:

16 “(g) Water Protection Fund.

17 (1) All permit fees, monetary charges, fines, and penalties assessed,
18 collected or received by GEPA pursuant to this regulation and other
19 regulations promulgated under the Water Pollution Control Act, as well as
20 contributions and assets made for the purpose of improving water quality or
21 preventing water pollution shall be deposited into the Water Protection Fund.

22 (2) The Water Protection Fund a non-lapsing, revolving fund shall
23 be established as separate and apart from any other funds of the Government
24 of Guam and are not subject to the transfer authority of *I Maga'hagan Guåhan*,
25 and shall be administered by the Administrator.

26 (3) Independent records and accounts shall be maintained in
27 connection therewith. The funds shall be used for the administration and
28 implementation and enforcement of the Water Pollution Control Act and

1 regulations promulgated from said Act, for educational programs and grants
2 for research and development, advertisement promotions, and inspections of
3 facilities to prevent or minimize erosion that contributes to pollution of the
4 waters. All monies in the Water Protection Fund are hereby appropriated to
5 the Guam Environmental Protection Agency (GEPA) to be expended in
6 accordance with this Chapter.”

7 **Section 7. Severability.** If any provision of this Act or its application to
8 any person or circumstance is found to be invalid or contrary to law, such invalidity
9 *shall not* affect other provisions or applications of this Act that can be given effect
10 without the invalid provision or application, and to this end the provisions of this
11 Act are severable.